For instance, Zook describes a medicating device which is able to occlusively cover and hydrate a target lesion on a fingernail. The medicating device in Zook includes a viscoelastic gel pad bound by an elastic retaining ring. The gel pad is secured to an affixing means for applying the gel pad to a digit or finger. The affixing means is described as "an impermeable elastic tubular digit encasing sheath" to which the retaining ring is affixed. The sheath is described as a form similar to a finger cut from a latex surgeon's glove. Additionally, the preferred sheath is transparent to not only allow for observation of the medicated viscoelastic gel pad during and after application but also to allow for observation of the circulation status of the treated digit or finger.

In the Office Action, it was asserted that the impermeable elastic tubular digit-encasing sheath in Zook may be replaced by the elastic fibrous nonwoven laminate disclosed in Abuto. As discussed during the interview, however, Zook teaches away from attaching the viscoelastic gel pad to a nonwoven laminate. For instance, the outside layers of the nonwoven laminates described in Abuto are not impermeable as taught in Zook. Apparently Zook teaches the use of an impermeable elastic encasing sheath to prevent a medicament contained in the viscoelastic gel pad from migrating away from its intended site of treatment. Such might occur if the impermeable elastic tubular digit encasing taught in Zook was replaced by the nonwoven laminate described in Abuto. In particular, the nonwoven facing present in the laminate described in Abuto may absorb some of the composition contained in the viscoelastic gel pad which is a result expressly taught away from in Zook.

Zook further teaches that the elastic tubular digit encasing sheath be transparent to allow for observation of the treated digit. To the contrary, the elastic fibrous nonwoven

laminates disclosed in Abuto are not transparent. In view of the above, Applicants respectfully submit that it would not have been obvious to combine Zook with Abuto as asserted in the Office Action and that the claims as now amended patentably define over the combination of the above two cited references.

During the interview, Applicants' attorney hand delivered copies of the references that are listed on the Information Disclosure Statement previously submitted. Applicants request that these references be considered in conjunction with the above amendments.

In the Office Action, the drawings were objected to. In response, a request for changes to Figure 3 is included with this Response.

Finally, in the Office Action, several dependent claims were rejected in view of U.S. Patent No. 5,770,229 to Tanihara and U.S. Patent No. 5,120,758 to Satoh. These references, however, fail to cure the above-noted deficiencies of the base references. As such, it is believed that the claims also patentably define over Tanihara and Satoh.

In summary, Applicants respectfully submit that the claims as written are patently distinct over the prior art of record. As such, it is believed that the claims are in complete condition for allowance and favorable action therefore is requested. Examiner Hamilton, however, is encouraged and invited to telephone the undersigned at her convenience should any issues remain after consideration of this amendment.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

2/3/03
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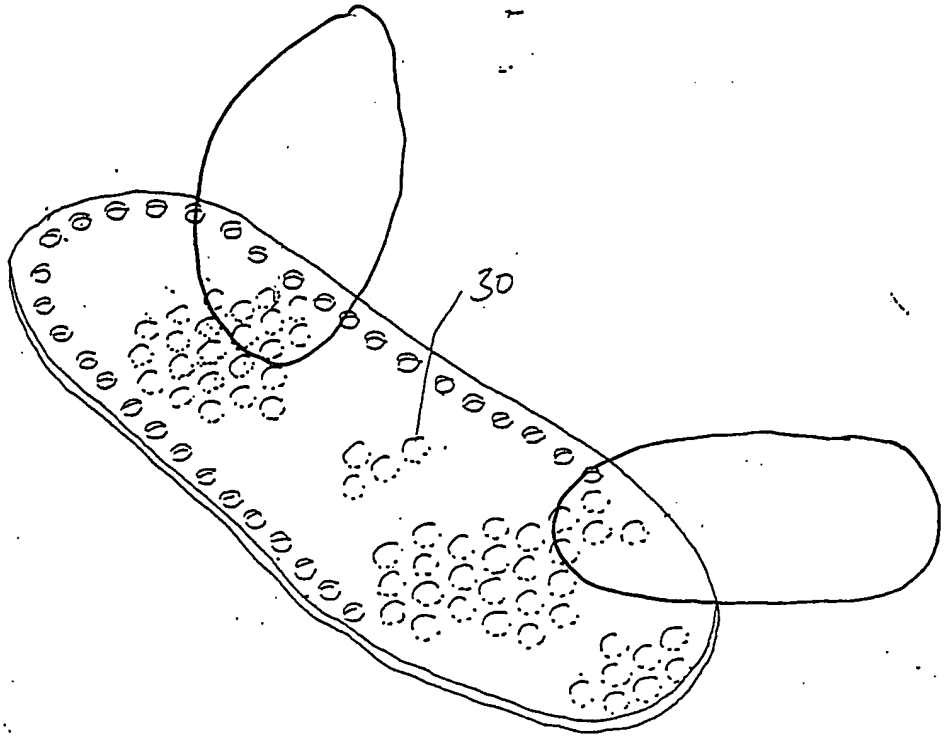

Figure 3

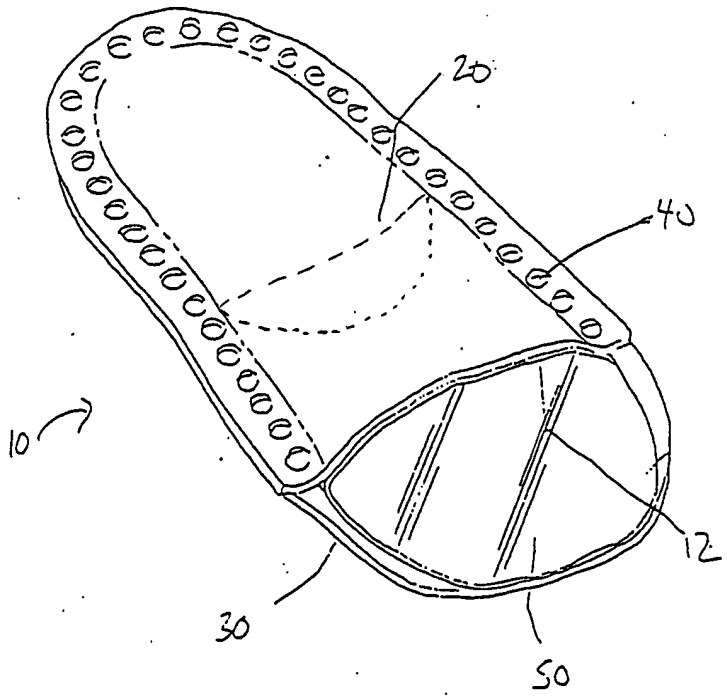

Figure 4

APPENDIX B

1. A device for treating appendage ailments comprising:

a base web comprising a nonwoven web of fibrous material, said base web defining a sleeve, said sleeve having a distal end and a proximal end with one of said distal or said proximal ends being open and configured to allow the insertion of an appendage into said sleeve through said open end, the sleeve defining an interior surface and an exterior surface, the interior surface configured to be placed adjacent an appendage when inserted into the sleeve, the base web further comprising an elastic component for providing the sleeve with form-fitting properties and wherein the nonwoven web forms at least a portion of the interior surface of the sleeve.

5. A device as defined in claim 1, wherein the elastic component comprises [said base web comprises an elastic layer and a non-elastic layer, said elastic layer comprising] an elastomeric material [and said non-elastic layer comprising said nonwoven web, said non-elastic layer] the nonwoven web being attached to said elastic component [layer] in a manner that allows said elastomeric material of said elastic component [layer] to be stretched and contracted for providing said base web with form-fitting properties.

6. A device as defined in claim 5, wherein said nonwoven web [non-elastic layer] comprises a thermoplastic polymer.

7. A device as defined in claim 6, wherein said nonwoven web [non-elastic layer] further comprises pulp fibers.

8. A device as defined in claim 5, wherein said elastic component [layer] comprises a fibrous material.

9. A device as defined in claim 5, wherein said elastic component [layer] comprises a film.

10. A device as defined in claim 5, wherein said elastic component [layer] comprises a foam.

24. A device for treating appendage ailments comprising:

a hollow sleeve member having an open end for the insertion of an appendage, said sleeve member comprising an elastic nonwoven material, said elastic nonwoven material being capable of being stretched and contracted for providing said sleeve

member with form fitting properties, the elastic nonwoven material comprising an elastic component and a nonwoven web, the sleeve member defining an interior surface and an exterior surface, the interior surface configured to be placed adjacent an appendage when inserted into the sleeve member, the nonwoven web forming at least a portion of the interior surface.

25. A device as defined in claim 24, wherein said elastic nonwoven material comprises a laminate including a non-elastic nonwoven web laminated to the [and an] elastic component, the elastic component comprising a film or a nonwoven web.

33. A device for treating appendage ailments comprising:

a hollow sleeve member having a first open distal end and a second open proximal end spaced from said distal end, said sleeve member having a shape configured to receive a finger or a toe, said sleeve member comprising a first panel attached to a second panel, the panels forming seams that extend along the length of the sleeve, the first panel comprising an elastic nonwoven material, said elastic nonwoven material capable of being stretched and contracted for providing said sleeve member with form fitting properties, the second panel comprising a nonwoven web, the nonwoven web defining at least a portion of an interior surface of the hollow sleeve.

35. A device as defined in claim 33 [34], wherein the nonwoven web of said second panel [comprises a] is non-elastic [nonwoven material].